

**WOOD, PHILLIPS, KATZ, CLARK & MORTIMER**

**500 West Madison Street, Suite 3800**

**Chicago, Illinois 60661-2511**

**Telephone (312) 876-1800**

**Facsimile (312) 876-2020**

**Date: January 5, 2004**

**To: Mr. David Fox  
United States Patent and Trademark Office  
703-746-5060**

**From: Lisa V. Mueller  
Direct Phone (312) 876-2109  
E-Mail LMUELLER@WOODPHILLIPS.COM**

**Pages including this cover sheet: 4**

**Billing No. WIS4987P0081US**

THE MESSAGE TRANSMITTED UNDER THIS COVER IS INTENDED FOR THE NAMED RECIPIENT ONLY, AND MAY CONTAIN BUSINESS CONFIDENTIAL INFORMATION, OR INFORMATION SUBJECT TO ATTORNEY-CLIENT PRIVILEGE, OR ATTORNEY WORK PRODUCT IMMUNITY. IN THE EVENT THIS MESSAGE IS RECEIVED AT A LOCATION WHERE IT CANNOT BE CONVEYED TO THE NAMED RECIPIENT, KINDLY NOTIFY THE SENDER IMMEDIATELY BY TELEPHONE/FACSIMILE (IF LONG DISTANCE, PLEASE CALL COLLECT), AND RETURN THE RECEIVED MESSAGE TO US BY MAIL.

THE UNITED STATES PATENT OFFICE IS REQUESTED TO IMPRESS ITS STAMP ON THIS CARD AND  
PLACE SAME IN THE OUT-GOING MAIL TO SHOW THE FOLLOWING PAPERS HAVE BEEN RECEIVED

WIS4987P0081US

LVM/kaa

**TRANSMITTAL OF DOCUMENTS**

- 1) Notice of Appeal and Check for \$320.00
- 2) Certificate of Mailing
- 3) This return postcard for:

U.S. Patent Application Serial No. 09/821,879

Inventor: Jerry Kernicle

Filed: 3/30/01



September 15, 2003

**WOOD, PHILLIPS, KATZ, CLARK & MORTIMER**

PTO/SB92 (08-00)

Approved for use through 10/31/2002, OMB 0551-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**Certificate of Mailing under 37 CFR 1.8**

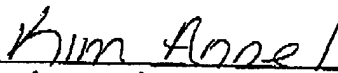
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

**Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450**

on September 15, 2003



Signature



Typed or printed name of person of signing Certificate

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Comparable to form PTO/SB/31 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NOTICE OF APPEAL FROM THE EXAMINER TO THE  
BOARD OF PATENT APPEALS AND INTERFERENCES****Attorney's Docket No.:**

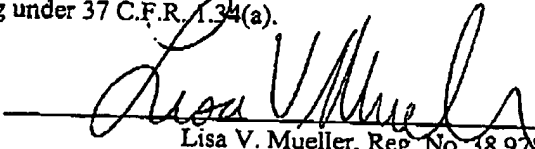
WIS4987P0081US

**In Re Application Of:** Jerry Kermicle**Serial Number:** 09/821,879 **Filed:** 3/30/01**For:** Cross Incompatibility Genes from Teosinte and their Use  
in Corn**Group Art Unit:** 1638 **Examiner:** David T. Fox**Mail Stop Appeal Brief-Patents****Commissioner for Patents****P.O. Box 1450****Alexandria, Virginia 22313-1450**Applicant hereby appeals to the Board of Appeals and Interferences from the decision of the Examiner dated 6/17/03, rejecting claims 1-5, 9-17, 21-35, 39-50, 59-72.

The item(s) checked below are appropriate.

1. ☐ Applicant claims small entity status. (See 37 CFR 1.27.)  
☐ A Statement Claiming Small Entity Status is enclosed.
2. ☒ Appeal fee (37 CFR 1.17(b))  
☒ Large Entity - \$320.00 ☐ Small Entity - \$160.00
3. ☐ A petition and fee for an extension of time for reply to the rejection is enclosed.  
☐ Large Entity  
☐ \$110.00 ☐ \$410.00 ☐ \$930.00 ☐ \$1,450.00  
☐ Small Entity  
☐ \$55.00 ☐ \$205.00 ☐ \$465.00 ☐ \$725.00
4. ☒ A check for the amount of \$320.00 is enclosed.
5. ☐ Please charge the fee(s) to Deposit Account Number 23-0785. A duplicate copy of this sheet is attached.
6. ☒ Please charge any additional fee(s), or credit any overpayment, to Deposit Account Number 23-0785. A duplicate copy of this sheet is enclosed.

- I am: ☐ applicant,  
☐ assignee of record of the entire interest.  
☒ attorney or agent of record  
☐ attorney or agent acting under 37 C.F.R. 1.34(a).

  
 Lisa V. Mueller, Reg. No. 38,978
**WOOD, PHILLIPS, KATZ, CLARK & MORTIMER**

Citicorp Center, Suite 3800

500 West Madison Street

Chicago, Illinois 60661-2511

official copy  
 received  
 1/5/04  
 DF

certificate  
 of  
 mailing  
 9/15/03